

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

WHAYNE SUPPLY COMPANY,

Plaintiff,

v.

KENT EXCAVATING, INC.,
an Alabama corporation,

Defendant.

CASE NO. CV 01-B-1102-NE

FINDINGS AND CONCLUSIONS

This case is before the court on the Application of plaintiff, supported by the Affidavits of Joseph A. Yoerg and A.J. Beck, for judgment by default in favor of plaintiff and against defendant pursuant to Rule 55 of the Federal Rules of Civil Procedure. Upon consideration of the Application, the Affidavits, and the record, the court makes the following findings and conclusions:

1. The Summons and Complaint were duly served upon defendant on May 12, 2001. Defendant has failed to appear, plead, or otherwise defend.
2. Defendant is not an infant or incompetent person.
3. Defendant is indebted to plaintiff in the principal sum of \$135,000.00, plus court costs. Attorneys' fees in the amount of \$27,000.00 are reasonable for filing and obtaining a judgment in this action.¹ A judgment will be entered accordingly.

DONE this 22nd day of January, 2002.

Sharon Lovelace Blackburn
SHARON LOVELACE BLACKBURN
United States District Judge

¹ Although plaintiff's counsel did not respond to the court's November 8, 2001, Order directing that counsel file a detailed petition supporting its request for attorneys' fees, the court has decided to award the requested fee of \$27,000.00 based on the Affidavit of A.J. Beck.

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